

The Twenty-Fifth Legislature  
Regular Session of 2009

HOUSE OF REPRESENTATIVES

Committee on Economic Revitalization, Business & Military Affairs

Rep. Angus L.K. McKelvey, Chair

Rep. Isaac W. Choy, Vice Chair

State Capitol, Conference Room 312

Tuesday, March 24, 2009; 7:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 1622, SD1, HD1  
RELATING TO EMPLOYMENT SECURITY**

The ILWU Local 142 supports S.B. 1622, SD1, HD1, which requires certain employers to retain employees who were displaced from an employer by divestiture through a transfer of a covered establishment to a new employer for a period of 90 days unless the business is substantially dissimilar or the human resource needs of the business are reduced.

Both S.B. 1622 and S.B. 688 provide for retention of workers when a business establishment is transferred to a new employer. In either bill, we do not believe such a requirement will deter another business entity interested in purchasing or managing a business establishment. Line staff, like housekeepers or waiters or cooks, have little influence on the success or failure of a business. However, management and supervisory staff are much more likely to be scrutinized by a new employer. Since these employees are excluded from the retention requirement, the potential new owner or manager should have little need for concern about inheriting workers who may have contributed to any failure of the previous business entity.

The primary difference between this bill and S.B. 688, HD1 is that the new employer is required to retain incumbent employees for a 90-day transition period during which the employee may be evaluated for continued hire. If the employee's work performance during the transition period is unsatisfactory based on a written evaluation, the employee may be terminated. A similar provision is available in S.B. 688, HD1 to the new employer which retains management rights that can include such a transition or "probationary" period.

The ILWU urges passage of S.B. 1622, SD1, HD1. Thank you for the opportunity to share our views on this measure.



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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**The Twenty-Fifth Legislature, State of Hawaii**  
**House of Representatives**  
**Committee on Economic Revitalization, Business & Military Affairs**

**Testimony by**  
**Hawaii Government Employees Association**  
**March 24, 2009**

**S.B. 1622, S.D. 1, H.D. 1 – RELATING**  
**TO EMPLOYMENT SECURITY**

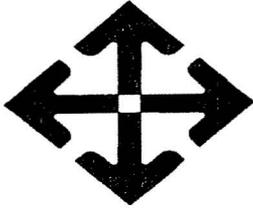
The Hawaii Government Employees Association supports the purpose and intent of S.B. 1622, S.D. 1, H.D. 1, which provides for job security for employees in the event of a divestiture of a covered establishment for a period of 90 days unless the business is substantially dissimilar or the human resources needs of the business are reduced. The bill also provides for fair compensation to employees should an employer fail to conform to the provisions of the bill.

Hawaii's unemployment rate is the highest it's been in the last two and one-half decades, and rising business closures have already created a serious climate of uncertainty. The measure establishes a fair and dignified transition for employees in a business takeover, what is surely a disruptive and distressing circumstance, and will benefit the employees, their families and our community as a whole.

Thank you for the opportunity to testify in support of S.B. 1622, S.D. 1, H.D. 1.

Respectfully submitted

**Nora A. Nomura**  
**Deputy Executive Director**



# The Hawaii Business League

820 Mililani St., Ste. 810 Honolulu, Hawaii 96813-2938  
Phone: (808) 533-6819 ♦ Facsimile: (808) 533-2739

March 24, 2009

Testimony To: House Committee on Economic Revitalization, Business, & Military Affairs  
Representative Angus L.K. McKelvey, Chair

Presented By: Tim Lyons  
President

Subject: S.B. 688, HD 1 – RELATING TO EMPLOYMENT  
S.B. 1622, SD 1, HD 1 – RELATING TO EMPLOYMENT SECURITY

Chair McKelvey and Members of the Committee:

I am Tim Lyons, President of the Hawaii Business League, a small business service organization.

We are opposed to the passage of both these bills.

These bills make an attempt at placating the employment security of employees who find their company sold. We think it will have an extremely "chilling" effect on the sale of businesses throughout the state and we think that is ill advised.

It is typical that when an employer purchases a company they do so because they think that they can manage it, administer it, and direct it better than the previous employer. All employers have their own way of doing things and most of them would feel that it is beneficial to be given the flexibility to operate the new business in such a way that meets with their management

style. In many cases, the businesses that are purchased are ones that are already in trouble financially and the employer needs to be able to react quickly. The ninety (90) day transition period provided for in these bills is a disincentive to buy, in fact the entire bill based on that clause plus, the seniority clause and the discharge clause all add up to purchasing a worthless business. The employer would be better off to start a new business and not worry about it. That affects and undermines the efforts of the previous owner and their goal of building a business to the point where it is worth something and they can sell it and retire.

It is our feeling that we would be much better off providing for employment and training programs so that employees that are displaced by the purchase by a new owner are able to move if they do not like the new employer or if the new employer does not like them.

In essence, these bills are a disaster to the small business community throughout the state and we would urge your Committee to reject them.

Thank you.

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# **BIA-HAWAII**

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**BUILDING INDUSTRY ASSOCIATION**

March 24, 2009

Representative Angus McKelvey, Chair  
Committee on Economic Revitalization, Business &  
Military Affairs  
State Capitol, Room 312  
Honolulu, HI 96813

**RE: SB1622, HD1 “Relating to Employment Security”**

Chair McKelvey and Members of the Committee on Economic Revitalization, Business & Military Affairs:

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii strongly opposes SB1622, HD1, “Relating to Employment Security”. While the changes made in HD1 seem to recognize the difficulties of the business community being able to sell their businesses or having their businesses taken over by a new entity, we do not believe that a measure of this nature would be helpful in attracting new businesses or to encourage businesses to invest in the Hawaii market because of our increasingly restrictive employment laws.

In light of the National and State economic climate, we are seeing large and small businesses ceasing their operations, causing even greater strain on our unemployment system. These closing businesses are operating under the current law and still have not been able to continue to survive. Just imagine what the economic picture will look like when businesses cannot survive and will not have a hope of another company buying them because of this worker retention legislation that prevents them from managing their businesses.

We ask that you carefully evaluate the potential negative effects of this bill and hold the bill.

Thank you for the opportunity to share our views with you.



Chief Executive Officer  
BIA-Hawaii



The Voice of Small Business®

**Before the House Committee on Economic Revitalization,  
Business & Military Affairs**

DATE: March 24, 2009

TIME: 7:00 a.m.

PLACE: Conference Room 312

**Re: SB 1622 SD1 HD1  
Relating to Employment Security  
Testimony of Melissa Pavlicek for NFIB Hawaii**

Thank you for the opportunity to testify. On behalf of the business owners who make up the membership of the National Federation of Independent Business in Hawaii, we ask that you reject SB 1622 SD1 HD1. NFIB opposes this measure in its current form.

The National Federation of Independent Business is the largest advocacy organization representing small and independent businesses in Washington, D.C., and all 50 state capitals. In Hawaii, NFIB represents more than 1,000 members. NFIB's purpose is to impact public policy at the state and federal level and be a key business resource for small and independent business in America. NFIB also provides timely information designed to help small businesses succeed.

We believe that is impracticable and anti-business and has the potential to hasten the demise of struggling businesses, ultimately hurting Hawaii's economy.

We respectfully ask that you do not advance this measure.

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**From:** Dave Rolf [drolf@hawaiiidealer.com]  
**Sent:** Monday, March 23, 2009 7:02 AM  
**To:** EBMtestimony  
**Subject:** HADA testimony in Strong Opposition to SB1622 SD1 HD1 for hearing 7 a.m. 3-24-09 in Rm 309

March 23, 2009

Testimony in STRONG OPPOSITION to SB1622 SD1 HD1

(Similar testimony sent on SB688 HD1)

RELATING TO EMPLOYMENT SECURITY

Presented to the House Committee on Economic Revitalization, Business & Military

at the public hearing to be held 7 a.m. Tuesday, March 24, 2009  
in Conference Room 309  
Hawaii State Capitol

Testimony submitted by the David H. Rolf for  
The Hawaii Automobile Dealers Association  
Hawaii's franchised new car dealers

Chair McKelvey and members of the committee:

Because a measure like SB 1622 SD1 HD1 would RESULT IN INCREASED UNEMPLOYMENT FOR HAWAII, we respectfully oppose the measure.

Some have called bills like SB 688 and SB 1622 the "Guaranteed Bankruptcy" bills because such measures put businesses at such risk, lowering the value of businesses and reducing their capabilities to borrow.

Since this is a "business" committee we are sure the committee members understand the need for businesses to borrow on lines of credit-- sometimes to sustain operations, sometimes to expand them.

By making Hawaii businesses MORE UNATTRACTIVE TO POTENTIAL BUYERS, through provisions that force preserving inefficiencies in a company's workforce, this committee's action would LOWER THE VALUE OF BUSINESSES.

Just yesterday, the Star-Bulletin in its editorial "Again, Hawaii ranks low for business," reported: "The survey of 543 of the nation's CEOs by Chief Executive magazine put the quality of Hawaii's workforce dead last."

This bill would signal to future buyers of Hawaii businesses that THE LEGISLATURE CHOOSES TO MAKE IT DIFFICULT TO CHANGE THE COMPOSITION OF THE WORKFORCE AT A BUSINESS THAT IS PURCHASED. This lowers the market value of a business and its ability to borrow. Without that ability to borrow, many businesses will close.

Last March (2008), when Hawaii unemployment was at 4% HADA predicted that in March (2009) that newspaper stories would be carrying news of 7% unemployment. On Friday, March 20, 2009, the Honolulu Advertiser reported a UHERO projection for 7% unemployment. Just as we had predicted.

Today, we tell you with certainty, that if bills like SB 688, SB 1622, and Card Check measures are passed in Hawaii that unemployment will hit 10% in 2010. DOUBLE-DIGIT UNEMPLOYMENT.

That's 10% of the workforce unemployed in '10!

The number of jobless in Hawaii would climb to a devastating 60,000 in 2010.

RUINING THE VIABILITY OF THE EMPLOYERS IN THE MARKETPLACE IS THE SUREST WAY TO INCREASE JOBLESSNESS.

Thus, this bill and others like it, achieve the opposite of its intent.

INSTEAD OF SAVING JOBS.....THIS BILL LOSES JOBS.

We respectfully request that you hold this bill.

Respectfully submitted,  
The Hawaii Automobile Dealers Association  
Hawaii's New Car Dealers

By David H. Rolf, HADA, 1100 Alakea St. Suite 2601, Honolulu, Hi. 96813 Tel: 808 593-0031

Supplemental testimony:

## **Dare to dream ...about when this will all be over.**

A Honolulu publisher being told that dealers think this will not be a U-shaped recovery but an L-shaped one, said "Oh yeah, what font?"

With everyone's attention on the recession lately, some now are starting to look for the recovery. The National Bureau of Economic Research (NBER) has now declared this recession official; it started December 2007.

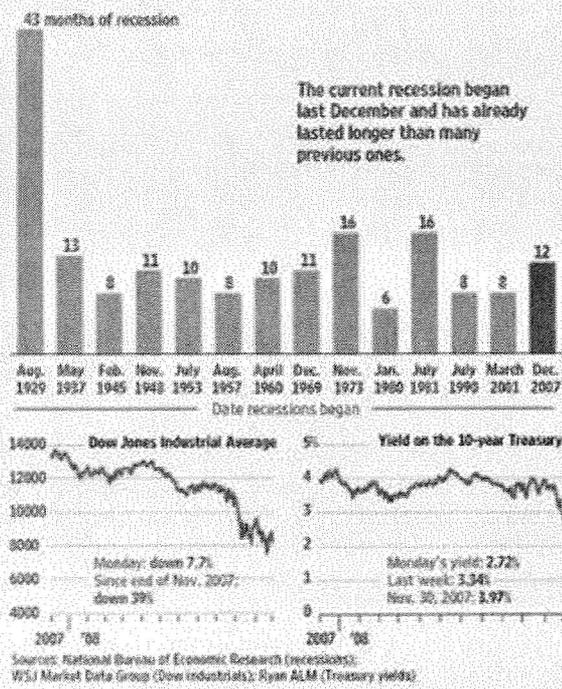
Auto dealers know recessions don't last forever. In fact, the dozen recessions in America since the Great Depression have lasted on average 10.4 months. But the nation is already into this one deeper—15 months--as of March, and counting.

The two national recessions that Hawaii auto dealers most recall are 1973 and 1981—both 16 months in duration. Dealers like Joe Nicolai recall that the 1973 recession was precipitated by troubles in Iran and the subsequent Arab oil embargo. Soon, there followed a 400% increase in American gas prices and gas rationing.

The 1981-82 recession was exacerbated by the collapse of the then loosely-regulated savings and loan industry. Dealers like Damien Farias recall the 21% interest rates. His dealership on Maui was only 6 years old at the time.

This time, all longtime dealers agree: this recession is worse than both of those.

## Bad Times | This recession has lasted a year—so far



Indeed, this recession has become a perfect storm, colliding international financial institution melt-downs with sky-high gas prices. Hawaii caught the “car sales cold” first in the nation, when vehicle sale plummeted as gas prices hit \$4 a gallon on Maui in March of last year. But the real Hawaii headaches and fever didn’t hit until five months later—when the downturn in new car sales was significant.

This year the cold has taken a turn for the worse and may be even considered a full-blown flu.

So, when will the fever break? When will the bottom be reached?

One would note that if recovery begins this July (about 19 months duration) then, this recession will be the longest on record since the ‘30’s. If it doesn’t bottom until late 2009 or early 2010, then this recession will be a double whammy (about 24-27 months in duration)—and would be more than twice the duration of the average recession-- becoming almost like back-to-back recessions and making this one the longest since the Great Depression which lasted 43 months from 1929-33.

Certainly public policy, both national and local, will have a lot to do with recovery sooner rather than later.

On the plus side, the American Recovery and Reinvestment Act of 2009 and other federal programs will provide a cash influx for state safety net funding, state road-building funds, an excise tax deduction for consumers’ federal returns (for state and local tax paid on a new car purchase), strapped homeowners relief on monthly payments, and more.

Thankfully, things are different today than during the Great Depression-- when half the banks in America collapsed. Also, back then, the absence of a program like the FDIC caused the disappearance of wealth. Today, the fed has moved to insure funds in federally insured institutions up to \$250,000, easing the worries of most consumers.

Still, consumer confidence remains low and the old economic formula of Economy (E) equals Money (M) times Velocity (V) seems frozen up. The fed has provided plenty of money supply but the rate of spending has dried up because the credit lending has not loosened up for businesses or consumers.

The Recovery Act is the plus side of the recovery equation, but there is a downside playing out in several potential local public policy-making decisions during this legislative session which could disconnect the recovery for businesses.

Perhaps even more disconcerting for businesses in general is the proposal in play this session to allow unions to form in some companies without a secret ballot, just through the union organizers obtaining employee signatures on cards—the so-called card check bills (SB1621/HB952). And the proposals to retain inefficiencies in business workforces found in SB 688 and SB1622.

HADA testified that a study of the Canadian experience with card check in the '70's showed that a 3% point increase in union membership would result in a 1% increase in joblessness. If union membership in Hawaii jumped from its current 24%, the second highest in the country, up to 30%, the level currently in Canada, Hawaii unemployment would jump by 13,000 –skyrocketing to 8.5%.

This would severely delay the recovery in Hawaii.

For better or worse the answer to the recovery (and when?) is largely dependent on public policy. Successor Employer bills (called the Guaranteed Bankruptcy Bills) and Card Check bills will cause joblessness....not prevent it.

Those who dare to dream about when this will all be over-- dare to work to bring business and elected officials together – sooner, rather than later.



Representative Angus McKelvey, Chair  
Representative Isaac Choy, Vice Chair  
Committee on Economic Revitalization, Business & Military Affairs

HEARING      Tuesday, March 24, 2009  
                  7:00 am  
                  Conference Room 312  
                  State Capitol, Honolulu, Hawaii 96813

**RE:    SB1622,SD1, HD1, Relating to Employment Security**

Chair McKelvey, Vice Chair Choy, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

**RMH strongly opposes SB1622,SD1,HD1**, relating to employment security, which requires certain employers to retain employees who were displaced from an employer by divestiture through a transfer of a covered establishment to a new employer.

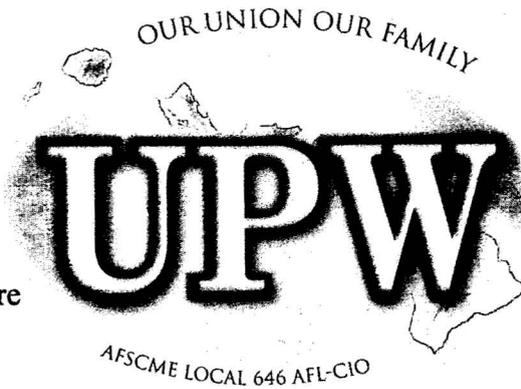
This bill is an infringement on the basic rights of ownership that seriously impacts the value of a business and the ability of an owner to divest, sell or transfer that business operation. It further discourages investment in Hawaii by severely restricting the options for potential new owners by dissuading any development and/or diversification possibilities. At a time when Hawaii should be encouraging new enterprise in our state to accelerate economic recovery, this bill is a giant step in the opposite direction and could have the undesirable result of more companies just closing their doors for lack of viable alternatives.

The members of the Retail Merchants of Hawaii respectfully request that you **hold SB1622,SD1,HD1**. Thank you for your consideration and for the opportunity to comment on this measure.

A handwritten signature in cursive script, appearing to read 'Carol Pregill'.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII  
1240 Ala Moana Boulevard, Suite 215  
Honolulu, HI 96814  
ph: 808-592-4200 / fax: 808-592-4202



House of Representatives  
The Twenty-Fifth Legislature  
Regular Session of 2009

Committee on Economic Revitalization, Business & Military Affairs  
Rep. Angus L.K. McKelvey, Chair  
Rep. Issac Choy, Vice Chair

DATE: Tuesday, March 24, 2009  
TIME: 7:00 a.m.  
PLACE: Conference Room 312

**TESTIMONY OF THE UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO  
ON SB 1622, SD1, HD1, RELATING TO EMPLOYMENT**

My name is Dayton M. Nakanelua, state director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). On behalf of the approximately 13,000 members, of which over a thousand are in the private sector, the **UPW supports this measure** which requires certain new employers to retain employees displaced by a divestiture for a period of ninety days unless the new business is substantially dissimilar or the human resource needs are reduced.

We believe passage of this bill is in the state's best interest. In this recessionary, high unemployment environment, policies should be made to ensure that jobs are retained.. The mass layoffs that accompany the sale or transfer of a business (for example the Grand Wailea and Naniloa resorts), not only cause needless disruption in the lives of the affected workers but also stresses the entire economic system: loss of income for the worker and family, less buying power to support businesses, more social services at a time when our safety net is already stretched thin, and decreased tax revenue. Today's economy, more than ever, calls for employment stability and confidence in the consumer market.

For these reasons we urge the passage of SB 1622, SD1, HD1.

**HEADQUARTERS** - 1426 North School Street ♦ Honolulu, Hawaii 96817-1914 ♦ Phone: (808) 847-2631  
**HAWAII** - 362 East Lanikaula Street ♦ Hilo, Hawaii 96720-4336 ♦ Phone: (808) 961-3424  
**KAUAI** - 4211 Rice Street ♦ Lihue, Hawaii 96766-1325 ♦ Phone: (808) 245-2412  
**MAUI** - 841 Kolu Street ♦ Wailuku, Hawaii 96793-1436 ♦ Phone: (808) 244-0815  
1-866-454-4166 (Toll Free, Molokai, Maui, Hawaii)

The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Economic Revitalization, Business, and Military Affairs

Testimony by  
Hawaii State AFL-CIO  
March 24, 2009

S.B. 1622 SD1, HD1 - RELATING TO EMPLOYMENT SECURITY

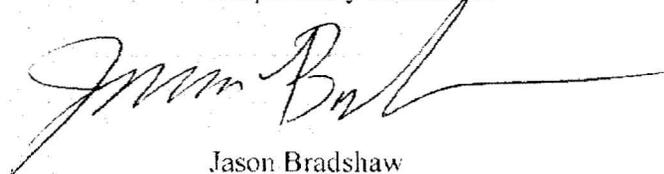
Unfortunately, Hawaii and the rest of the United States are facing some of the worst economic conditions since the Great Depression. Unemployment levels are continually rising, home prices are sliding at a rapid rate, and consumer confidence is at an all-time low. Unless something is done in the very near future, conditions will get worse and quite frankly, a depression could be imminent. That is why labor supports S.B. 1622 SD1, HD1.

While S.B. 1622 SD1, HD1 will not entirely fix Hawaii's economy, it will help protect workers' jobs which are so vital in today's economy. If people are working, they will hopefully be spending their wages and if they are spending, Hawaii businesses will do better. That is why it is imperative to pass S.B. 1622 SD1, HD1 Hawaii must do all it can to reduce unemployment levels. The lower the unemployment rate, the better the economy will hopefully be.

Furthermore, something must be done to change the mind set of lower consumer confidence. S.B. 1622 SD1, HD1 can add some additional comfort to those worried tomorrow may be their last day of work in the event of a divestiture. It is not in Hawaii's best interest to potentially increase unemployment in today's economic crisis through the divestiture of business entities with no assurance of continued employment for its workers.

The passage of S.B. 1622 SD1, HD1 is critical in today's economy. We must protect workers' jobs and we must do everything we possibly can to change the economy for the better. Thank you for the opportunity to testify in support of S.B. 1622 SD1, HD1.

Respectfully submitted.



Jason Bradshaw  
Political Director

The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Economic Revitalization, Business, and Military Affairs

Testimony by  
Hawaii State AFL-CIO  
March 24, 2009

S.B. 688 HD1 - RELATING TO EMPLOYMENT

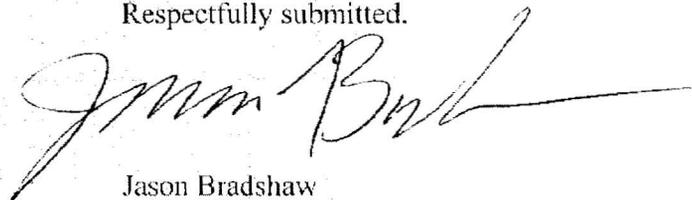
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While S.B. 688 HD1 will not entirely fix Hawaii's economy, it will help protect workers' jobs which are so vital in today's economy. If people are working, they will hopefully be spending their wages and if they are spending, Hawaii businesses will do better. That is why it is imperative to pass S.B. 688 HD1. Hawaii must do all it can to reduce unemployment levels. The lower the unemployment rate, the better the economy will hopefully be.

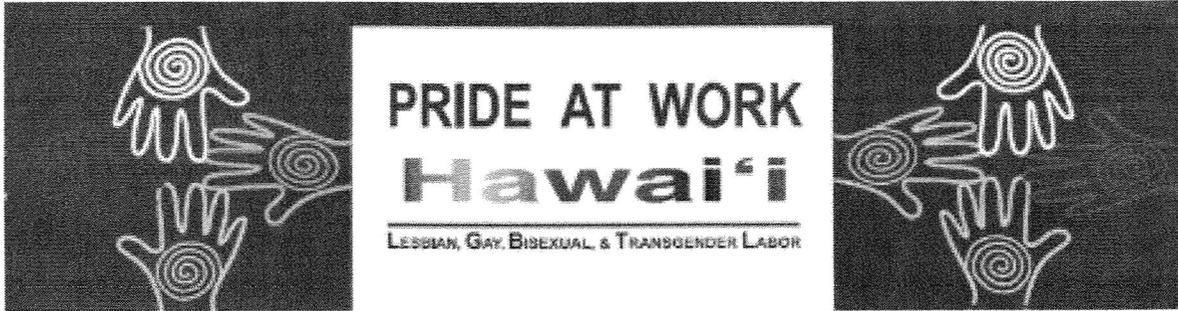
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The passage of S.B. 688 HD1 is critical in today's economy. We must protect workers' jobs and we must do everything we possibly can to change the economy for the better. Thank you for the opportunity to testify in support of S.B. 688 HD1.

Respectfully submitted,



Jason Bradshaw  
Political Director



PO Box 22416 Honolulu, HI 96822

(808) 543-6054

*prideatworkhawaii@hawaiiantel.net*

*www.hawafclcio.org/PAWHI*

March 24, 2009

Hawaii State House of Representatives  
Committee on Economic Revitalization, Business and Military Affairs  
Chair, Rep. McKelvey  
Vice Chair, Rep. Choy

Testimony in favor of S.B. 1622 SD1 HD1 – RELATING TO EMPLOYMENT SECURITY

Pride At Work Hawai'i, whose mission is to mobilize lesbian, gay, bisexual, and transgender (LGBT) workers and their supporters for full equality and to build mutual support between the labor movement and the LGBT community, strongly supports S.B. 1622, which establishes job security requirements upon the divestiture of a covered establishment. S.B. 1622 is about job preservation during the initial sale or takeover of a company. It is intended to minimize disruption in such sales, particularly for the employees.

In these difficult and uncertain economic times, it is more likely than ever that more companies will be sold to new owners or managements, leaving workers vulnerable during the changeover. It is the employees who make a business work, and when new owners buy or take over a business, it is only fair that they keep the same employees. Passage of this bill is especially important for lesbian, gay, bisexual, and transgender workers, who, because of discrimination, are especially vulnerable when businesses are taken over by new owners - even in Hawai'i, despite legal protections.

A bill that increases job security for workers will help build confidence among Hawaii's workforce and stimulate spending; without such a measure workers are apt to continue to prepare for the worst. That's why passage of this worker retention bill is truly a step in the right direction at this critical time.

Thank you for the opportunity to testify in support of S.B. 1622. On behalf of all LGBT workers in Hawai'i, we hope you will support this bill.

Respectfully submitted by Steve Dinion, President, on behalf of Pride At Work Hawai'i

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**From:** mgr.11443@store.walgreens.com  
**Sent:** Monday, March 23, 2009 9:20 AM  
**To:** EBMtestimony  
**Subject:** Take Action Now

Scott Sutton  
1488 Kapiolani Blvd.  
Honolulu, HI 96814-3716

Testimony to the Economic Revitalization, Business and Military Affairs Committee Tuesday,  
March 24, 2009 at 7:00 a.m.  
State Capitol - Room 312

Re: SB 1622 and SB 688

Chair McKelvey, Vice Chair Choy and members of the committee:

I am strongly opposed to SB 1622 and SB 688. These bills, if passed, will lead to "Guaranteed Bankruptcies."

Some of the reasons why I oppose are:

- 1) Discourages investment in a struggling business due to the stringent requirements and inability to turn around the company so that it is more efficient.
- 2) In turn, net loss of jobs will be higher because the existing company will go bankrupt and go out of business, thus the term, "Guaranteed Bankruptcy" bill. This contradicts the intent of the bill which is job security.
- 3) Removes the new employer's rights to select employees appropriate for its goals and objectives.

These bills undermine efforts to revitalize the economy as passage will paint a negative image on doing business in Hawaii, which has slipped in the rankings as the best place to do business from 38 to 41.

Therefore, I urge you to hold these bills so that jobs can be saved. Thank you for the opportunity to submit written testimony.

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**From:** jlippert@asbhawaii.com  
**Sent:** Monday, March 23, 2009 9:18 AM  
**To:** EBMtestimony  
**Subject:** Take Action Now

Jason Lippert  
P.O. Box 2300  
Honolulu, HI 96804-2300

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March 24, 2009 at 7:00 a.m.  
State Capitol - Room 312

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**From:** julie.arigo@waikikiparc.com  
**Sent:** Monday, March 23, 2009 9:18 AM  
**To:** EBMtestimony  
**Subject:** Take Action Now

Julie Arigo  
2233 Helumoa Road  
Honolulu, HI 96815-1962

Testimony to the Economic Revitalization, Business and Military Affairs Committee Tuesday,  
March 24, 2009 at 7:00 a.m.  
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- 3) Removes the new employer's rights to select employees appropriate for its goals and objectives.

These bills undermine efforts to revitalize the economy as passage will paint a negative image on doing business in Hawaii, which has slipped in the rankings as the best place to do business from 38 to 41.

Therefore, I urge you to hold these bills so that jobs can be saved. Thank you for the opportunity to submit written testimony.

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**From:** barkle@alsco.com  
**Sent:** Monday, March 23, 2009 9:25 AM  
**To:** EBMtestimony  
**Subject:** Take Action Now

Brian Arkle  
2771 Wai Wai Loop  
Honolulu, HI 96819-1941

Testimony to the Economic Revitalization, Business and Military Affairs Committee Tuesday, March 24, 2009 at 7:00 a.m.  
State Capitol - Room 312

Re: SB 1622 and SB 688

Chair McKelvey, Vice Chair Choy and members of the committee:

I am strongly opposed to SB 1622 and SB 688. These bills, if passed, will lead to "Guaranteed Bankruptcies."

Some of the reasons why I oppose are:

- 1) Discourages investment in a struggling business due to the stringent requirements and inability to turn around the company so that it is more efficient.
- 2) In turn, net loss of jobs will be higher because the existing company will go bankrupt and go out of business, thus the term, "Guaranteed Bankruptcy" bill. This contradicts the intent of the bill which is job security.
- 3) Removes the new employer's rights to select employees appropriate for its goals and objectives.

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**From:** acheng@cochawaii.org  
**Sent:** Monday, March 23, 2009 9:32 AM  
**To:** EBMtestimony  
**Subject:** Gauranteed Bankruptcies

Testimony to the Economic Revitalization, Business and Military Affairs Committee Tuesday, March 24, 2009 at 7:00 a.m.  
State Capitol - Room 312

Re: SB 1622 and SB 688

Chair McKelvey, Vice Chair Choy and members of the committee:

April Cheng 1132 Bishop Street, Suite 402 Honolulu, HI 96813-2830 Testimony to the Economic Revitalization, Business and Military Affairs Committee Tuesday, March 24, 2009 at 7:00 a.m. State Capitol - Room 312 Re: SB 1622 and SB 688 Chair McKelvey, Vice Chair Choy and members of the committee: I am strongly opposed to SB 1622 and SB 688. These bills, if passed, will lead to "Guaranteed Bankruptcies."

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- 3) Removes the new employer's rights to select employees appropriate for its goals and objectives.

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**From:** ericengland@hawaii.rr.com  
**Sent:** Monday, March 23, 2009 9:39 AM  
**To:** EBMtestimony  
**Subject:** "guaranteed bankruptcy" bills

Testimony to the Economic Revitalization, Business and Military Affairs Committee Tuesday, March 24, 2009 at 7:00 a.m.  
State Capitol - Room 312

Re: SB 1622 and SB 688

Chair McKelvey, Vice Chair Choy and members of the committee:

I am strongly opposed to SB 1622 and SB 688. These bills, if passed, will lead to "Guaranteed Bankruptcies."

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- 3) Removes the new employer's rights to select employees appropriate for its goals and objectives.

These bills undermine efforts to revitalize the economy as passage will paint a negative image on doing business in Hawaii, which has slipped in the rankings as the best place to do business from 38 to 41.

Therefore, I urge you to hold these bills so that jobs can be saved. Thank you for the opportunity to submit written testimony.

-Eric England  
91-1456 Halahua Street  
Kapolei HI 96707  
808-392-6108  
[ericengland@hawaii.rr.com](mailto:ericengland@hawaii.rr.com)

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**From:** kokamura47@hotmail.com  
**Sent:** Monday, March 23, 2009 9:38 AM  
**To:** EBMtestimony  
**Subject:** SB 1622 and SB 688

Testimony to the Economic Revitalization, Business and Military Affairs Committee Tuesday, March 24, 2009 at 7:00 a.m.  
State Capitol - Room 312

Re: SB 1622 and SB 688

Chair McKelvey, Vice Chair Choy and members of the committee:

I am strongly opposed to SB 1622 and SB 688. These bills, if passed, will lead to "Guaranteed Bankruptcies."

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